

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

MARILYN COLLINS, JENNY HEEINZ, ELIZABETH  
LAPENNE, EMILOU MACLEAN, ANN SHIRAZI, ASYA  
WEISENHAUS, AND CHLOE WEISENHAUS,

Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY POLICE  
DEPARTMENT (NYPD) DEPUTY CHIEF STEVEN ANGER,  
NYPD LIEUTENANT MICHAEL ZIELINSKI, NYPD  
LIEUTENANT WILLIAM COOKE, NYPD OFFICER  
THAMESHWAR SHARMA, SHIELD NO. 22759, NYPD  
OFFICER FRANCISCO DELGADO, SHIELD NO. 20240,  
NYPD OFFICER JAMES LOUIE, SHIELD NO. 13986, NYPD  
OFFICER CHEUNG LI, SHIELD NO. 05474, NYPD OFFICER  
JOHN MCNAMARA, SHIELD NO. 22960

Defendants.

-----X

**DECLARATION OF JOY  
ANAKHU IN SUPPORT OF  
DEFENDANTS' MOTION  
FOR SUMMARY JUDGMENT**

14-CV-8815 (AJN)(BCM)

**JOY T. ANAKHU**, declares under penalty of perjury and pursuant to 28 U.S.C. §  
1746, that the following is true and correct:

1. I am a Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the  
City of New York, attorney for defendants. As such, I am familiar with the facts stated  
below. I submit this declaration in support of defendants' motion for summary judgment  
pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. Attached as Exhibit A is plaintiffs' Related Case Statement filed on or about  
November 5, 2014, ECF No. 2. Plaintiffs' statement pertains to related case Joshua Wiles v.  
City of New York, et al. 13-cv-2898 (TPG). Plaintiffs assert the cases are related because  
they were "arrested at the same time, place, and location as was the plaintiff in Wiles".  
Plaintiffs' statement also notes another related case, Jose Mediavilla v. City of New York, et

al. 14-cv-08642 (VSB). Plaintiff Mediavilla was also arrested near the same location as Mr. Wiles and the plaintiffs in this matter after this group refused numerous lawful orders to disperse.

3. Attached as Exhibit B is plaintiffs' Complaint on or about November 5, 2014, ECF No. 1. The Complaint presents eleven federal claims, which include, but is not limited to: false arrest, First Amendment retaliation, malicious abuse of process, malicious prosecution, excessive force, and municipal liability.

4. Attached as Exhibit C are excerpts of the deposition transcript of plaintiff, Ann Shirazi.

5. Attached as Exhibit D are excerpts of the deposition transcript of Lt. Daniel Albano.

6. Attached as Exhibit E are excerpts of the deposition transcript of Officer Nikim Walker.

7. Attached as Exhibit F are excerpts of the deposition transcript of plaintiff, Marilyn Collins.

8. Attached as Exhibit G are excerpts of the deposition transcript of plaintiff, Jenny Heinz.

9. Attached as Exhibit H are excerpts of the deposition transcript of plaintiff, Elizabeth Lapenne.

10. Attached as Exhibit I are excerpts of the deposition transcript of plaintiff, Emilou Maclean.

11. Attached as Exhibit J are excerpts of the deposition transcript of plaintiff, Asya Weisenhaus.

12. Attached as Exhibit K are excerpts of the deposition transcript of plaintiff, Chloe Weisenhaus.

13. Attached as Exhibit L are excerpts of the deposition transcript of defendant, Officer Thameshwar Sharma.

14. Attached as Exhibit M are excerpts of the deposition transcript of defendant, Officer Francisco Delgado.

15. Attached as Exhibit N are excerpts of the deposition transcript of defendant, Officer James Louie.

16. Attached as Exhibit O are excerpts of the deposition transcript of defendant, Officer Cheung Li.

17. Attached as Exhibit P are excerpts of the deposition transcript of non-party, Officer Anthony Ciaramitaro.

18. Attached as Exhibit Q are excerpts of the deposition transcript of defendant, Lt. Michael Zielinski taken in the case of Wiles v. City of New York, 13cv2898 (VSB), where he testified extensively about this incident.

19. Attached as Exhibit R is the video exchanged in this case referred to as "Youtube3." The attached still frame filed on ECF depicts Lieutenant Zielinski issuing dispersal orders on the right of the image while plaintiff C. Weisenhaus looks on from the center of the shot minutes before her arrest.

20. Attached as Exhibit S are Plaintiffs' Notice to Admit responses where they admit, *inter alia*, to the videos listed below depicting the events in question in this case.

21. Attached as Exhibit T is the video exchanged in this case referred to as “MV1.” The attached still frame filed on ECF depicts Lieutenant Zielinski issuing some of his early orders at the November 5, 2011 incident just a few feet away from plaintiff C. Weisenhaus.

22. Attached as Exhibit U is the video exchanged in this case referred to as “TARU Morales.” The attached still frame filed on ECF depicts plaintiff Heinz approaching and reaching out to plaintiff Shirazi as officers place her under arrest.

23. Attached as Exhibit V is the video exchanged in this case referred to as “Youtube 1.” The attached still frame filed on ECF depicts plaintiffs Lapenne and Collins in the foreground after the orders to disperse had begun and the crowd largely started to filter across the street to Foley Square. They admit that they are present in this portion of Youtube 1 in their notices to admit, Exhibit S.

24. Attached as Exhibit W is the video exchanged in this case referred to as “MV2.” The attached still frame filed on ECF depicts Lieutenant Zielinski about to place plaintiffs C. Weisenhaus and A. Weisenhaus under arrest after reading numerous dispersal orders and arrest warnings.

25. Attached as Exhibit X is the video exchanged in this case referred to as “MV3.” The attached still frame filed on ECF depicts plaintiff Heinz approaching plaintiff Shirazi as officers attempt to place her in handcuffs.

26. Attached as Exhibit Y is the video exchanged in this case referred to as “TARU Grimes.” The attached still frame filed on ECF depicts a group of protestors actively calling for other protestors to cross over from Foley Square and join them in defying the police orders, even as Lieutenant. Zielinski is issuing a further arrest warning. The protestors can

be seen waving the individuals across the street over while shouting “Join us on this sidewalk.” 56.1 ¶ 89; Exhibit Y 05:15-05:21.

27. Attached as Exhibit Z is the video exchanged in this case referred to as “Youtube4.” The attached still frame filed on ECF depicts officers attempting to keep traffic flowing on Centre Street.

Dated: New York, New York  
December 15, 2016

ZACHARY CARTER  
Corporation Counsel - City of New York  
*Attorney for Defendants*  
100 Church Street  
New York, New York 10007  
(212) 356-2323

By: /s/  
Joy Anakhu; Andrew Lucas; Amy  
Robinson  
New York City Law Department  
Special Federal Litigation Division

TO:

Honorable Alison J. Nathan  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

Gideon Orion Oliver  
27 Broadway, Suite 1501  
New York, NY 10007

